



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2457 FAX (603) 271-7894



Dipak Patel
Drummer Boy Motor Inn
RR1 Box 118 Rte 3
Lincoln, New Hampshire 03251

LETTER OF DEFICIENCY
WMB PBF 02-52
September 6, 2002

Dear Mr. Patel:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 13, 2002 and August 27, 2002, DES inspected the following public bathing facilities at the Drummer Boy Motor Inn, in Lincoln, NH: the indoor pool ("Indoor Pool") and spa ("Spa") and the outdoor pool ("Outdoor Pool"). During these inspections, the following deficiencies were noted:

1. A recommendation to close and super chlorinate the Outdoor Pool was issued on August 15, 2002. The inspections on August 13, 2002 and August 27, 2002 revealed that the Outdoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Outdoor Pool water on August 13, 2002:
 - a. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Pool water contained greater than 200 CTS/100mL.

The following bacterial violations were observed in the Outdoor Pool water on August 27, 2002

 - b. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Outdoor Pool water contained 690 cfu/mL.
 - c. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Pool water contained greater than 200 CTS/100mL.
2. A recommendation to close and super chlorinate the Spa was issued on August 29, 2002. The inspection on August 27, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:
 - a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Spa water contained 1 CTS/100mL of total coliform bacteria.
 - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
3. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Outdoor Pool water was 0.2 mg/L on August 13, 2002. The free chlorine residual of the Outdoor Pool water was 0.4 mg/L on August 27, 2002.

4. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 6.8 on August 13, 2002.
5. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 7.9 on August 27, 2002.
6. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality is only tested and recorded once a week.
7. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Outdoor Pool at the time of the inspections.
8. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Outdoor Pool at the time of the inspections.
9. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Indoor Pool did not include a functioning flow meter.
10. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a functioning flow meter.
11. Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. There are suction outlets in the Indoor Pool that are not protected by outlet grates.
12. Pursuant to Env-Ws 1105.01(k)(8), suction outlets shall be provided with a cover that has been tested and approved by a nationally recognized testing laboratory. Flat grates under 10" diameter do not meet the requirements of ANSI/NSF Standard 50 or ASME/ANSI A112.19.8M ("Suction Fittings for use in Swimming Pools, Wading Pool, Spas, Hot Tubs, and Whirlpool Bath Applications"). The Spa has a flat grate under 10" diameter.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

A copy of two weeks of water quality test results for all facilities (please do not send originals).

2. The type, manufacture, and model of the flow meters to be installed.
3. The type, manufacture, and model of the main drain covers to be installed.
4. A timetable of when:
 - a. the safety items will be in place; and
 - b. the installation of the flow meters will be completed.

Drummer Boy Motor Inn
WMB PBF 02-52
September 6, 2002
Page 3 of 3

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,



COPY

Jody Connor
Limnology Center Director

Certified Mail #7099 3400 0002 9770 0836

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Amy Wilson, Public Bathing Facility Coordinator, DES
Jane Duguay, Health Officer, Town of Lincoln

AW\ml H:\BIOLOGY\POOLS\Letters-LOD\LOD.02.52.doc